

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8776 of 2022

Rahit Mahaldar and another ***Petitioners***
Mr. T.K. Mishra, Advocate
-versus-
State of Odisha and another ***Opp. Parties***
Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
02.09.2022

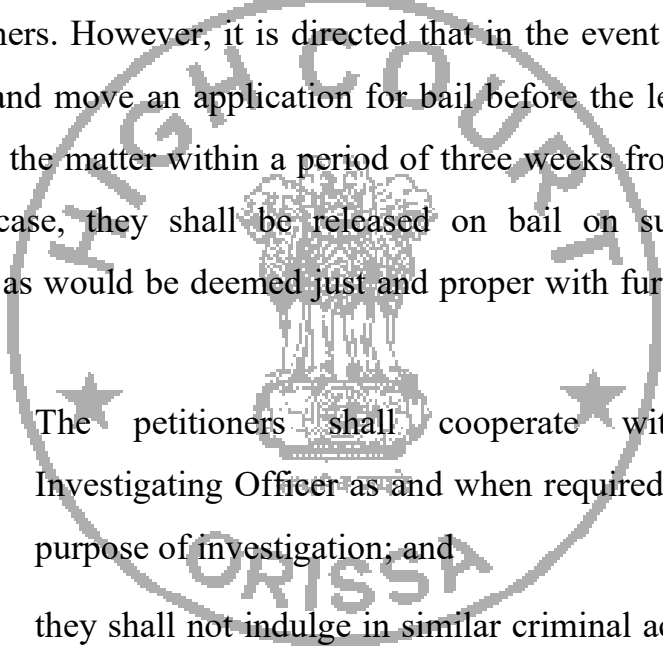
Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with T.R. Case No.42 of 2022, arising out of Jharigaon P.S. Case No.82 of 2022 pending in the court of learned Additional Sessions Judge-cum-P.O., Special Court, POCSO Act, Nabarangpur for commission of offence punishable under Section 363, I.P.C. subsequently turned to Section 376(3)/109/34, I.P.C. read with Section 6 of the POCSO Act, 2012.
5. It is submitted by learned counsel for the petitioners that the principal accused, namely, Prasannajit Biswas had love relationship with the victim as a result of which they eloped each other. It is further submitted by learned counsel for the petitioners that on the basis of

statement of the principal accused, the petitioners have been falsely implicated in the present case. It is also submitted that the only allegation against the petitioners that they have assisted the principal accused for elopement.

6. Further, it is submitted by learned counsel for the petitioners that the petitioners are young boy aged about 20 years old and they have no criminal antecedents.

7. Considering the nature of allegation, gravity of offence and the fact of the case and surrounding facts and keeping in view the materials placed before this Court, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- 
- I. The petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
 - II. they shall not indulge in similar criminal activities while on bail.

Violation of any of the terms and conditions shall entail cancellation of bail.

8. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

